

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
NORTHERN DIVISION**

**ROBERT HERMAN,**

*Plaintiff,*

*v.*

CAUSE NO. 3:22-CV-138-CWR-MTP

**KILOLO KAJAKAZI, Acting  
Commissioner of Social Security,**

*Defendant.*

**ORDER**

This matter is before the Court pursuant to the Report and Recommendation of the United States Magistrate Judge, which was entered on January 23, 2023. Docket No. 21. The Report and Recommendation notified the parties that failure to file written objections to the findings and recommendations contained therein within 14 days after service would bar further appeal in accordance with 28 U.S.C. § 636. *Id.* Plaintiff timely filed his objection to the Report and Recommendation on February 3, 2023. Docket No. 22.

On review, Plaintiff has not shown that the Acting Commissioner's final decision – that Plaintiff was not disabled – is unsupported by substantial evidence.

To prove that the ALJ's findings were not supported by substantial evidence, Plaintiff submits several arguments. Those arguments include that the ALJ:

- 1) "failed to consider functional limitations resulting from all of the [Plaintiff's] severe

impairments in determining his residual functional capacity (RFC)"; 2) did not give due consideration to "medical opinion evidence in making such a determination" or the "occupationally limiting effects of his impairments;" 3)" improperly substituted his own medical opinion to determine the [Plaintiff's] RFC"; and 4) failed to "establish the existence of other work, in significant numbers, which the [Plaintiff] can perform." Docket No. 22 at 2-3.

The Court finds that the Magistrate Judge thoroughly examined the record before ultimately finding Plaintiff's contentions unpersuasive. The record is replete with medical records utilized and analyzed by the ALJ. Those medical records comprise imaging records, x-rays, physical exams conducted by multiple doctors, and state medical consultants' examinations of Plaintiff. The ALJ conducted a balanced and holistic review of Plaintiff's medical history, work history, and daily activities. In the course of that review, the ALJ evaluated the persuasiveness of multiple medical opinions by analyzing their supportability and consistency against Plaintiff's full medical history. The ALJ's findings do not suggest some drastic departure from the medical opinions or a disregard for critical expert opinions. Rather, the ALJ's review was comprehensive and falls within the standard of review.

For these reasons, this Court hereby adopts the Magistrate Judge's Report and Recommendation as the Order of this Court. Accordingly, this case will be dismissed with prejudice.

A separate Final Judgement will issue.

**SO ORDERED**, this the 17th day of March, 2023.

s/ Carlton W. Reeves  
UNITED STATES DISTRICT JUDGE